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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,445	07/19/1999	SATOSHI IWATA	614.1989	7838

21171 7590 11/13/2006

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WASHINGTON, DC 20005

EXAMINER
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NGUYEN, KIMBINH T

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/356,445	<b>Applicant(s)</b> IWATA ET AL.	
	<b>Examiner</b> Kimbinh T. Nguyen	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4,6,9-14,16 and 20-30 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,8,15,17-19,31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/07/06 has been entered.

1. This action is responsive to amendment filed 07/07/06.
2. Claims 1-31 are pending in the application.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1, 3, 5, 7, 8, 15, 17-19 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (5,923,337).

Claims 1 and 17, Yamamoto teaches a method and system for communicating through computer animated images comprising a means for generating a sequential character image (generating an animation sequence for a character; col.15, lines 58-59) by connecting a plurality of unit image groups (col. 16, lines 3-15, lines 43-53), each of the plurality of unit image groups being made up of a plurality of sequential images (animation frames generating movements associated with communication have been shown in fig. 21, patterns 1, 2, 3 and 4 are combined by predetermined sets of animation frames for the selected combined aspects of the character; col. 13, lines 19-26), being defined and guaranteed in advance (the image character animation may be authored in advance of the use or may be generated in response to a viewer response in an interactive manner; col. 2, lines 22-25) to indicate one communication information to a viewer (the facial is selected from one of the five predetermined expressions; a performer specifies the next facial expression via an input selector unit..., if the current facial expression is surprise and the next orientation signal indicates neutral, the current facial expression is updated to neutral; col. 12, lines 38-52), and being specified by attribute information corresponding to the one communication information indicated thereby (predetermined animation frames of the character, a sequence of said animation frames generating movements associated with oral communications, said movements which approximate those of a human speech; see col. 12, lines 36-67; col. 16, lines 62-67; happiness, anger, surprise ... attribute information), and a means for

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displaying the sequential character image (finally, the animation generator 15 outputs the animation frames to a display 24 via a display control 22 and display memory 23; col. 7, lines 63-65).

Claim 3 is similar to claim 1, Yamamoto would have inherently included a computer program stored in a computer readable medium in order to instruct the computer graphics system cited at col.2, lines 29-32 to perform those steps as now cited in claim 3.

Claim 5 is similar to claim 1, Yamamoto further teaches a retrieving part reading based on the input attribute information and editing means at col.12, lines 35-52.

Claim 7 is similar to claim 5, Yamamoto would have inherently included a computer program stored in a computer readable medium in order to instruct the computer graphics system cited at col. 2, lines 29-32 to perform those steps as now cited in claim 7.

Claim 8 is similar to claim 1, Yamamoto further teaches a control means at col. 14, lines 52-57.

Claim 15 recites a method which performed by the system claim 1, thus it is rejected under a similar rationale.

Claims 18-19, Yamamoto further teaches the claimed features at Figs. 23 and 24.

Claim 31, the rationale provided in the rejection of claim 1 is incorporated herein.

***Allowable Subject Matter***

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5. Claims 2, 4, 6, 9-14, 16 and 20-30 are allowed over the cited prior art.

***Response to Arguments***

6. Applicant's arguments filed 07/07/06 have been fully considered but they are not persuasive because Yamamoto's reference teaches "The image character animation may be authored in advance of the use or may be generated to a viewer response in an interactive manner; col. 2, lines 24-26; further Fig. 23 shows a unit image group "eye blink movement": one communication information with a sequence of images P14, P11 and P17 and also the same as "eye brow movement" and "ear movement" of the character.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (571) 272-7644. The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

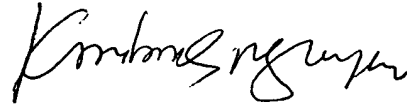
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached at (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 9, 2006

A handwritten signature in black ink, appearing to read "Kimbinh T. Nguyen". The signature is fluid and cursive, with the first name "Kimbinh" being more prominent than the last name "Nguyen".

**KIMBINH T. NGUYEN**  
**PRIMARY EXAMINER**